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Federal Communications Commission  
Washington, D.C. 20547

1850 M Street, N.W., Suite 1100  
Washington, DC 20036

March 21, 1997

William F. Caton  
Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M St., NW  
Washington, D.C. 20554

**Re: CC Docket No. 96-149**

Dear Mr. Caton:

Attached is the original, plus 6 copies, of Sprint Corp.'s Reply Comments in the above-captioned proceeding. We have also provided Janice Myles of the Common Carrier Bureau with this filing on diskette in WordPerfect 5.1 format.

Sincerely,

Norina Moy  
Director, Federal Regulatory  
Policy and Coordination

cc: Janice Myles

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

File # 96-149  
March 19, 1997

In the Matter of

Implementation of the Non-Accounting  
Safeguards of Sections 271 and 272 of  
the Communications Act of 1934, as  
amended

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CC Docket No. 96-149

**REPLY**

Sprint Corporation hereby respectfully submits its reply to comments filed on February 19, 1997 in the above-captioned proceeding.

There was a clear split among commenting parties as to the need for and extent of nondiscrimination reports which the BOCs should be required to file under section 272(e)(1). On the one hand, the BOCs assert that existing federal and state reporting requirements satisfy any information disclosure requirements under section 272(e)(1); that aggregating BOC and BOC affiliate results provides sufficient detail; that, to the extent the Commission feels it is necessary to impose additional reporting requirements, such reports should be limited to the BOCs' provision of exchange access services; and that even the level of detail contained in Appendix C of the NPRM in this proceeding is excessive. On the other hand, IXCs and CAPs which filed comments in this proceeding all urge the Commission to require the BOCs to report service quality as well as provisioning interval results; to provide such information separately for the BOC, its affiliate(s), and unaffiliated entities; and to provide such information for both exchange access and local exchange service. As

discussed briefly below, in order for the Commission and interested parties to ascertain that the BOCs are providing local exchange and exchange access services on a nondiscriminatory basis, the BOCs should be required to file the more detailed reports recommended by the IXC's and CAP commentators.

**1. BOCs Should Provide Information on Both Exchange Access and Local Exchange Services.**

Section 272(e)(1) of the Act unambiguously states that the BOCs "shall fulfill any requests from an unaffiliated entity for telephone exchange service and exchange access within a period no longer than the period in which it provides such telephone exchange service and exchange access to itself or to its affiliates" (emphasis added). There can be no doubt that the Commission has the authority and the responsibility to obtain information from the BOCs which demonstrates that they are providing both exchange access and local exchange services to themselves, their affiliates and unaffiliated parties on a nondiscriminatory basis. Therefore, in addition to the service categories included in the NPRM's Appendix C, the BOCs should provide information on their resold local services and unbundled network elements.<sup>1</sup>

Several of the BOCs object to inclusion of information on local exchange service, arguing that interconnection reporting requirements are best left to the interconnection proceeding.<sup>2</sup> However, the scope of instant NPRM is "Information Disclosure Requirements under Section 272(e)(1)," and, as noted above, sec-

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<sup>1</sup>See, e.g., Sprint, p. 1; AT&T, p. 11; MCI, p. 4; TCG, p. 5.

tion 272(e)(1) clearly encompasses both exchange and exchange access services. Thus, this proceeding is the appropriate place to consider nondiscrimination reporting requirements for both interconnection (local resale and unbundled network elements) and access services.

Other BOCs assert that they are already required to provide information demonstrating nondiscrimination in the provision of exchange services as a result of arbitration or collocation agreements or of other FCC proceedings, and that subjecting them to additional federal reporting requirements would be redundant and costly.<sup>3</sup> However, if the BOCs are already collecting the requested information, then adoption of a federal report will impose no hardship or cost and will ensure that all eligible parties have access to such information. Moreover, a federal non-discrimination report may well become the standard accepted by the states, CLECs and BOCs, thereby simplifying arbitration proceedings.

## **2. Service Quality Measures Should Be Adopted.**

Several parties point out that the BOCs' provision of access and exchange service to affiliated and unaffiliated entities in the same time frame is irrelevant if the service provided to the unaffiliated entity is inferior in quality.<sup>4</sup> To capture possible differences in service quality, these parties recommended

<sup>2</sup>See, e.g., Ameritech, p. 2; Pacific, p. 2; SBC, p. 2.

<sup>3</sup>See, e.g., Bell Atlantic/Nynex, p. 2; SBC, p. 2.

<sup>4</sup>See, e.g., Sprint, p. 3; AT&T, p. 9; MCI, p. 5.

inclusion of service quality measures in the Section 272(e)(1) report (*id.*).

It is difficult to understand why any party should object to inclusion of service quality measures if the BOCs are in fact providing service of equal quality to all parties. Reporting service quality results on a percentage basis rather than in absolute number terms will protect sensitive information.

**3. Separate Results Should Be Reported for the BOCs, Their Affiliates, and Unaffiliated Entities.**

IXCs and CAPs urge the Commission to require the BOCs to provide provisioning and service quality information separately for the BOC, its affiliate, and nonaffiliated entities.<sup>5</sup> Such a breakdown will assist the Commission and other interested parties in ascertaining whether the BOC is providing service in accordance with its section 272 obligations.

Several BOCs object to this disaggregation, arguing that aggregating BOC and BOC affiliate results hides nothing<sup>6</sup> and that calls for detailed nondiscrimination reports are based on "speculative concerns about complex discrimination schemes" (Ameritech, p. 15). Sprint agrees that its recommended report is indeed based upon a concern about potential discriminatory activity by the BOCs. Aggregating BOC and BOC affiliate results could in fact mask such discriminatory activity; for example, in areas where the BOC faces competition, it could provide superlative

<sup>5</sup>See, e.g., Sprint, p. 1; AT&T, p. 11; MCI, p. 4; TCG, p. 5.

<sup>6</sup>See, e.g., Ameritech, p. 16; BellAtlantic/Nynex, p. 3; BellSouth, p. 5; SBC, p. 8; US West, p. 9.

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service to its affiliate, and average service to itself and to unaffiliated entities. Averaging BOC and BOC affiliate results may make the bias in favor of the affiliate impossible to detect.

**4. Reports Should Be Filed Monthly.**

The Commission should require monthly nondiscrimination reports. Monthly reports are necessary to enable unaffiliated entities to ascertain quickly whether the BOC is providing service to its affiliate on a preferential basis. The quarterly or annual reports suggested by various of the BOCs are not sufficiently timely to enable CLECs to identify potential problem areas. Indeed, the fact that at least one BOC (SBC, p. 4) has agreed to provide the nondiscrimination reports on a monthly basis is evidence that such a standard is not unduly onerous.

Respectfully submitted,

SPRINT CORPORATION

  
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March 21, 1997

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Reply Comments of Sprint Corporation** was Hand Delivered or sent by United States first-class mail, postage prepaid, on this the 21<sup>st</sup> day of March, 1997 to the below-listed parties:

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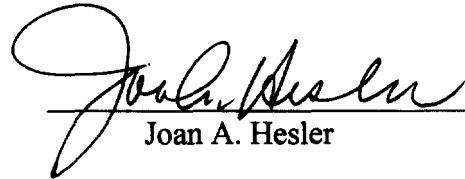
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